

07 Civ. 8813 (RWS)

**DECLARATION OF
JOHN A. ORZEL IN OPPOSITION TO DEFENDANT'S MOTION TO
VACATE
MARITIME ATTACHMENT**

Exhibit I



Decide with Confidence

Comprehensive Report

[Print this Report](#)

ATTN: LexisNexis

Report Printed: MAY 14 2008

Overview

BUSINESS SUMMARY

EP-TEAM, INC
3700 Forums Dr Ste 201
Flower Mound, TX 75028

D&B D-U-N-S Number: 18-628-4530

Rating Change

This is a **single** location.

Telephone: 972 691-1015

Chief executive: DAVID PULK,
 PRESIDENT

Year started: 2004

Management control: 2005

Employs: 2

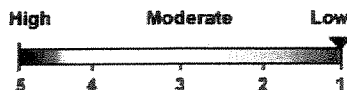
History: CLEAR

SIC: 4731

Line of business: Freight forwarding

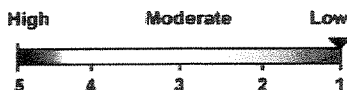
Credit Score Class: 1

Low risk of severe payment delinquency over next 12 months



Financial Stress Class: 1

Low risk of severe financial stress over the next 12 months



12-Month D&B PAYDEX®: 80

When weighted by dollar amount, payments to suppliers average generally within terms.



D&B Rating:

2R3

Formerly

ERN

Number of employees:

2R is 1 to 9 employees.

Composite credit appraisal:

3 is fair.



EXECUTIVE SUMMARY

The **Financial Stress Class of 1** for this company shows that firms with this classification had a failure rate of 1.2% (120 per 10,000), which is lower than the average of businesses in D&B's database

The **Credit Score class of 1** for this company shows that 2.0% of firms with this classification paid one or more bills severely delinquent, which is lower than the average of businesses in D&B's database.

Predictive Scores	This Business	Comments
Financial Stress Class	1	Failure Rate lower than the average of businesses in D&B's database
Financial Stress Score	1382	Highest Risk: 1,001; Lowest Risk: 1,875
Credit Score Class	1	Probability of Severely Delinquent Payment is lower than the average of businesses in D&B's database
Credit Score	547	Highest Risk: 101; Lowest Risk: 670
Other Key Indicators		
PAYDEX Scores	generally within terms	Pays more promptly than the average for its industry of 2 days beyond terms
Industry Median	2 days beyond terms	
Present management control	3 years	
UCC Filings	UCC filing(s) are not reported for this business	
Public Filings	No record of open Suit(s), Lien(s), or Judgment(s) in the D&B database	
History	Is clear	

CREDIT CAPACITY SUMMARY

D&B Rating: 2R3
Number of employees: 2R indicates 1 to 9 employees.
Composite credit appraisal: 3 is fair.

The 1R and 2R ratings categories reflect company size based on the total number of employees for the business. They are assigned to business files that do not contain a current financial statement. In 1R and 2R Ratings, the 2, 3, or 4 creditworthiness indicator is based on analysis by D&B of public filings, trade payments, business age and other important factors. 2 is the highest Composite Credit Appraisal a company not supplying D&B with current financial information can receive. For more information, see the D&B Rating Key.

of Employees Total: 2 **Payment Activity:** (based on 6 experiences)
Average High Credit: \$1,850
Highest Credit: \$7,500
Total Highest Credit: \$9,250

Jump to:

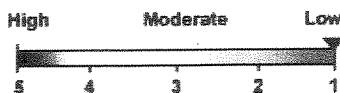
[Overview](#) | [Payments](#) | [Public Filings](#) | [History & Operations](#) | [Banking & Finance](#)

Scores ☒ **D&B Exclusive**

FINANCIAL STRESS SUMMARY

The Financial Stress Summary Model predicts the likelihood of a firm ceasing business without paying all creditors in full, or reorganization or obtaining relief from creditors under state/federal law over the next 12 months. Scores were calculated using a statistically valid model derived from D&B's extensive data files.

Financial Stress Class: 1



Low risk of severe financial stress, such as a bankruptcy, over the next 12 months.

Incidence of Financial Stress

Among Businesses with this Class: 1.20% (120 per 10,000)

Average of Businesses in D&B's Database: 2.60% (260 per 10,000)

Financial Stress National Percentile: 54 (Highest Risk: 1; Lowest Risk: 100)

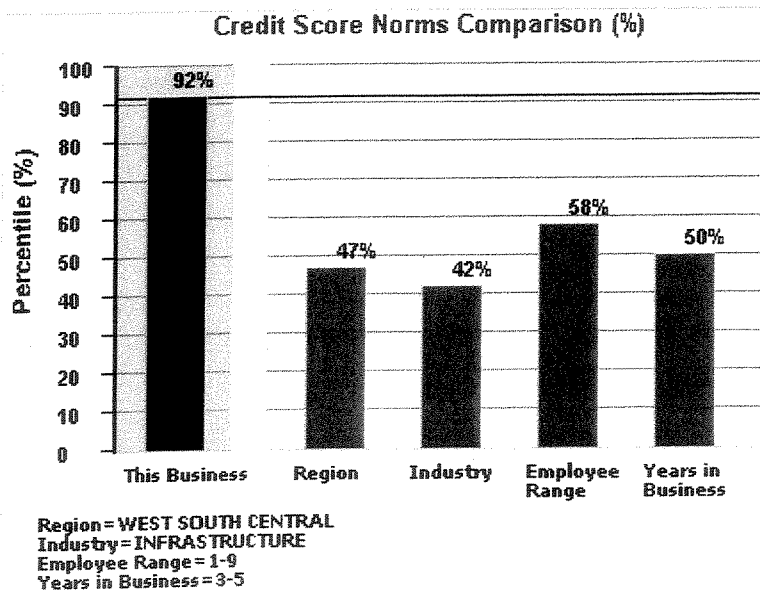
Financial Stress Score: 1382 (Highest Risk: 1,001; Lowest Risk: 1,875)

The Financial Stress Score of this business is based on the following factors:

- Payment information in the D&B files indicates no slow payment(s) nor negative comment(s).
- No record of open suit(s), lien(s), or judgment(s) in the D&B files.

Notes:

- The Financial Stress Class indicates that this firm shares some of the same business and financial characteristics of other companies with this classification. It does not mean the firm will necessarily experience financial stress.
- The Incidence of Financial Stress shows the percentage of firms in a given Class that discontinued operations with loss to creditors. The Average Incidence of Financial Stress is based on businesses in D&B's database and is provided for comparative purposes.
- The Financial Stress National Percentile reflects the relative ranking of a company among all scorable companies in D&B's file.
- The Financial Stress Score offers a more precise measure of the level of risk than the Class and Percentile. It is especially helpful to customers using a scorecard approach to determining overall business performance.
- All Financial Stress Class, Percentile, Score and Incidence statistics are based on sample data from 2004.



Norms	National %
This Business	54
Region: WEST SOUTH CENTRAL	47
Industry: INFRASTRUCTURE	49
Employee Range: 1-9	38
Years in Business: 3-5	42

This business has a Financial Stress Percentile that shows:

- Lower risk than other companies in the same region.

- Lower risk than other companies in the same industry.
- Lower risk than other companies in the same employee size range.
- Lower risk than other companies with a comparable number of years in business.

CREDIT SCORE CLASS SUMMARY

The Credit Score Class predicts the likelihood of a firm paying in a severely delinquent manner (90+ Days Past Terms) over the next twelve months. It was calculated using statistically valid models and the most recent payment information in D&B's files.



Low risk of severe payment delinquency over next 12 months.

Incidence of Delinquent Payment

Among Companies with this Class: 2.00%
Average Compared to Businesses in D&B's Database: 20.10%

Credit Score Percentile: **92** (Highest Risk: 1; Lowest Risk: 100)

Credit Score: **547** (Highest Risk: 101; Lowest Risk: 670)

The Credit Score of this business is based on the following factors:

- Payment information in the D&B files indicates no slow payment(s) nor negative comment(s).
- No record of open suit(s), lien(s), or judgment(s) in the D&B files.

Notes:

- The Credit Score Class indicates that this firm shares some of the same business and payment characteristics of other companies with this classification. It does not mean the firm will necessarily experience delinquency.
- The Incidence of Delinquent Payment is the percentage of companies with this classification that were reported 90 days past due or more by creditors. The calculation of this value is based on an inquiry weighted sample.
- The Percentile ranks this firm relative to other businesses. For example, a firm in the 80th percentile has a lower risk of paying in a severely delinquent manner than 79% of all scorable companies in D&B's files.
- The Credit Score offers a more precise measure of the level of risk than the Class and Percentile. It is especially helpful to customers using a scorecard approach to determining overall business performance.
- All Credit Class, Percentile, Score and Incidence statistics are based on sample data from 2004.

Norms	National %
This Business	92
Region: WEST SOUTH CENTRAL	47
Industry: INFRASTRUCTURE	42
Employee Range: 1-9	58
Years in Business: 3-5	50

This business has a Credit Score Percentile that shows:


- Lower risk than other companies in the same region.
- Lower risk than other companies in the same industry.
- Lower risk than other companies in the same employee size range.
- Lower risk than other companies with a comparable number of years in business.

Jump to:

[Overview](#) | [Scores](#) | [Public Filings](#) | [History & Operations](#) | [Banking & Finance](#)

Payments

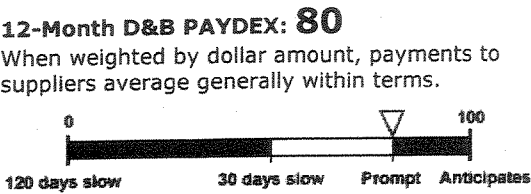
PAYMENT TRENDS

Total Payment Experiences in D&B's File:	6	Current PAYDEX is:	80	equal to generally within terms
Payments Within Terms: (not dollar weighted)	100%	Industry Median is:	79	equal to 2 days beyond terms
Total Placed For Collection:	0	Payment Trend currently is:		unchanged, compared to payments three months ago
Average Highest Credit:	\$1,850	Indications of slowness can be the result of dispute over merchandise, skipped invoices, etc. Accounts are sometimes placed for collection even though the existence or amount of the debt is disputed.		
Largest High Credit:	\$7,500			
Highest Now Owing:	\$500			
Highest Past Due:	\$0			

PAYDEX Scores

Shows the D&B PAYDEX scores as calculated on the most recent 3 months and 12 months of payment experiences.

The D&B PAYDEX is a unique, dollar weighted indicator of payment performance based on up to payment experiences as reported to D&B by trade references. A detailed explanation of how to read and interpret PAYDEX scores can be found at the end of this report.



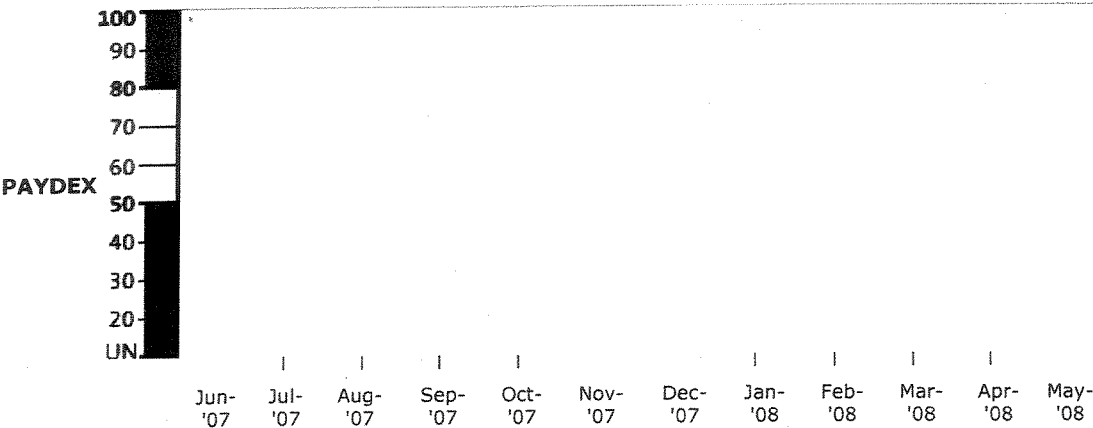
Based on payments collected over last 12 months.

PAYDEX Yearly Trend

12 Month PAYDEX Scores Comparison to Industry

	6/07	7/07	8/07	9/07	10/07	11/07	12/07	1/08	2/08	3/08	4/08	5/08
This Business	UN	80	80	80	80	80	80	80	80	80	80	80
Industry Quartiles												
Upper	80			80			80			80		
Median	77			78			78			79		
Lower	66			66			66			68		

Shows the trend in D&B PAYDEX scoring over the past 12 months.



Last 12 Months

Based on payments collected over the last 12 months.

- Current PAYDEX for this Business is 80, or equal to generally within terms
- The 12-month high is **80**, or equal to generally within terms
- The 12-month low is **unavailable**

PAYDEX Comparison to Industry

Shows PAYDEX scores of this Business compared to the Primary Industry from each of the last four quarters. The Primary Industry is Freight forwarding, based on SIC code 4731.

Previous Year

Current Year

This Business
Industry Quartiles
Upper
Median
Lower

**Last 12 Months**

► **This Business**

- ▲ Industry upper quartile
- Industry median
- ▼ Industry lower quartile

- Current **PAYDEX** for this Business is **80**, or equal to generally within terms
- The present industry **median score** is **79**, or equal to 2 days beyond terms.

Payment Habits

For all payment experiences within a given amount of credit extended, shows the percent that this Business paid within terms. Provides number of experiences used to calculate the percentage, and the total dollar value of the credit extended.

\$ Credit Extended

Based on payments collected over the last 12 months.

Payment experiences reflect how bills are met in relation to the terms granted. In some instances, payment beyond terms can be the result of disputes over merchandise, skipped invoices, etc.

PAYMENT SUMMARY

The Payment Summary section reflects payment information in D&B's file as of the date of this report.

There are 6 payment experiences in D&B's file for the most recent 12 months, with 1 experiences reported during the last three month period.

Below is an overview of the company's dollar-weighted payments, segmented by its suppliers' primary industries:

	Total Rcv'd (#)	Total Dollar Amts (\$)	Largest High Credit (\$)	Within Terms (%)	Days Slow <31 31-60 61-90 90> (%)			
Top industries:								
Public finance	1	7,500	7,500	100	0	0	0	0
Ret mail-order house	1	500	500	100	0	0	0	0
Nonclassified	1	500	500	100	0	0	0	0
Radiotelephone commun	1	500	500	100	0	0	0	0
Air courier service	1	250	250	100	0	0	0	0
Misc publishing	1	0	0	0	0	0	0	0
Other payment categories:								
Cash experiences	0	0	0					
Payment record unknown	0	0	0					
Unfavorable comments	0	0	0					
Placed for collections:								
With D&B	0	0	0					
Other	0	N/A	0					
Total in D&B's file	6		7,500					

The highest **Now Owes** on file is \$500 The highest **Past Due** on file is \$0

Accounts are sometimes placed for collection even though the existence or amount of the debt is disputed. Indications of slowness can be result of dispute over merchandise, skipped invoices, etc.

PAYMENT DETAILS

Detailed payment history

Date Reported (mm/yy)	Paying Record	High Credit (\$)	Now Owes (\$)	Past Due (\$)	Selling Terms	Last Sale Within (months)
04/08	Ppt	500	0	0		1 mo
11/07	Ppt	500	500		N30	1 mo
10/07	Ppt	0	0	0		1 mo
08/07	Ppt	7,500				1 mo
07/07	Ppt	500	500	0		1 mo
03/07	Ppt	250	250	0		1 mo

Each experience shown is from a separate supplier. Updated trade experiences replace those previously reported.

Jump to:[Overview](#)[Scores](#)[Payments](#)[History & Operations](#)[Banking & Finance](#)

Public Filings

PUBLIC FILINGS

A check of D&B's public records database indicates that no filings were found for EP-TEAM, INC at 3700 Forums Dr Ste 201, Flower Mound TX.

D&B's extensive database of public record information is updated daily to ensure timely reporting of changes and additions. It includes business-related suits, liens, judgments, bankruptcies, UCC financing statements and business registrations from every state and the District of Columbia, as well as select filing types from Puerto Rico and the U.S. Virgin Islands.

D&B collects public records through a combination of court reporters, third parties and direct electronic links with federal and local authorities. Its database of U.S. business-related filings is now the largest of its kind.

GOVERNMENT ACTIVITY**Activity summary**

Borrower (Dir/Guar):	NO
Administrative debt:	NO
Contractor:	NO
Grantee:	NO
Party excluded from federal program(s):	NO

Possible candidate for socio-economic program consideration

Labor surplus area:	N/A
Small Business:	YES (2008)
8(A) firm:	N/A

The details provided in the Government Activity section are as reported to Dun & Bradstreet by the federal government and other sources.

Jump to:[Overview](#)[Scores](#)[Payments](#)[Public Filings](#)[Banking & Finance](#)

History & Operations

HISTORY

The following information was reported **09/12/2007**:

Officer(s): DAVID PULK, PRESIDENT

DIRECTOR(S): THE OFFICER(S)

On September 11, 2007, a check with Texas Secretary of State indicated no corporate charter under the business name EP-Team, Inc.

Business started 2004. Present control succeeded 2005. 100% of capital stock is owned by David Pulk.

DAVID PULK. Work history unknown.

OPERATIONS

09/12/2007

Description: Engaged in freight forwarding (100%).

ADDITIONAL TELEPHONE NUMBER(S): Facsimile (Fax) 972 691-1014.

Terms are cash, check or credit card and net 10 days. Sells to manufacturers, commercial concerns and government. Territory : Undetermined.

Employees: 2 which includes officer(s).

Facilities: Occupies premises in a building.

SIC & NAICS

SIC:

Based on information in our file, D&B has assigned this company an extended 8-digit SIC. D&B's use of 8-digit SICs enables us to be more specific to a company's operations than if we use the standard 4-digit code.

The 4-digit SIC numbers link to the description on the Occupational Safety & Health Administration (OSHA) Web site. Links open in a new browser window.

47310200 Freight forwarding

NAICS:

488510 Freight Transportation Arrangement

Jump to:

[Overview](#)

| [Scores](#)

| [Payments](#)

| [Public Filings](#)

| [History & Operations](#)

Banking & Finance

KEY BUSINESS RATIOS

D&B has been unable to obtain sufficient financial information from this company to calculate business ratios. Our check of additional outside sources also found no information available on its financial performance. To help you in this instance, ratios for other firms in the same industry are provided below to support your analysis of this business.

Based on this number of establishments: 16

Industry Norms based on 16 establishments

	This Business	Industry Median	Industry Quartile
Profitability			
Return on Sales	UN	2.2	UN
Return on Net Worth	UN	16.0	UN
Short-Term Solvency			
Current Ratio	UN	2.4	UN
Quick Ratio	UN	2.2	UN
Efficiency			
Assets Sales	UN	20.7	UN
Sales / Net Working Capital	UN	12.8	UN
Utilization			
Total Liabs / Net Worth	UN	78.5	UN

UN = Unavailable

FINANCE

09/12/2007

On September 10, 2007, Kevin Rottinghaus, Manager, confirmed company name, address, principals and operational information using Dun & Bradstreet's Internet-based update method (eUpdate) at www.dnb.com.

As of September 12 2007 a search of Dun & Bradstreets Public Record database found no open suits, liens, judgements or UCCs to which EP-Team, Inc at 3700 Forums Dr Ste 201, Flower Mound TX was named defendant or debtor. Public records received hereafter will be entered into the database and will be included in reports which contain a Public Filings section.

CUSTOMER SERVICE

If you need any additional information or have any questions, please call the D&B Online Customer Customer Service Center at 1-800-234-3867